

*McLEOD & MOYNE, P.C.*  
ATTORNEYS AND COUNSELORS AT LAW  
PATENTS, TRADEMARKS AND COPYRIGHTS

IAN C. McLEOD  
MARY M. MOYNE  
STEVEN E. MERRITT

2100 COMMONS PARKWAY  
OKEMOS, MICHIGAN 48864

TELEPHONE (517) 347-4100  
FACSIMILE (517) 347-4103

*FACSIMILE TRANSMITTAL*

To: Examiner Yong Pak (571) 272-0935  
Firm: PTO - Group Art Unit 1652  
Fax #: 1-571-273-0935  
From: Ian McLeod  
Date: Sept. 27, 2004 Pages: 3 (Including coversheet)

---


Re: MSU 4.1-560  
Serial No. 09/924,841

Examiner Pak:

As requested, enclosed is the Supplemental Response to Restriction Requirement Under 35 USC 121 as faxed to you on August 2, 2004. Also, enclosed is a copy of the fax cover sheet.

If you have any questions or if anything further is needed, please let me know.

Sincerely,

  
Ian C. McLeod  
(517) 347-4100

If transmission is interrupted or of poor quality, please notify us immediately by calling (517) 347-4100.

**Notice:** This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this communication is not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the communication to us at the above address via first class mail.

**McLEOD & MOYNE, P.C.**  
**ATTORNEYS AND COUNSELORS AT LAW**  
PATENTS, TRADEMARKS AND COPYRIGHTS

IAN C. McLEOD  
MARY M. MOYNE

2190 COMMONS PARKWAY  
OKEMOS, MICHIGAN 48864

TELEPHONE (517) 347-4100  
FACSIMILE (517) 347-4103

**FACSIMILE TRANSMITTAL**

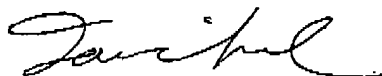
To: Examiner Yong D. Park  
Firm: Group 1652  
Fax #: 1-571-272-0935 571 273-0935  
From: Ian C. McLeod  
Date: 8/02/2004 Pages: 2 (Including cover sheet)

MSU 4.1-560  
Serial No. 09/924,841  
Confirmation No. 2882

Examiner Park:

Following is the Supplemental Response to Restriction Requirement Under 35 US 121 which we discussed today.

Ian C. McLeod



If transmission is interrupted or of poor quality, please notify us immediately by calling (517) 347-4100.

**Notice:** This communication is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this communication is not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the communication to us at the above address via first class mail.

Docket No. MSU 4.1-560  
Appl. No. 09/924,841  
Amdt. Dated: July 20, 2004  
Reply to Office action of June 30, 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 09/924,841 Confirmation No.: 2882  
Applicants: David R. Dilley, Dina K. Kadyrzhanova,  
Zhenyong Wang and Toni M. Warner  
Filed : August 8, 2001  
Title : MODIFIED SYNTHETASES TO PRODUCE PENICILLINS  
AND CEPHALOSPORINS UNDER THE CONTROL OF  
BICARBONATE  
TC/A.U. : 1652  
Examiner : Yong D. Pak  
Docket No.: MSU 4.1-560

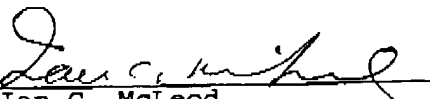
MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT  
UNDER 35 USC 121

Sir:

In reference to the telephone call today, the Applicant elects *Aspergillus nidulans* which produces isopenicillin N synthetase (IPNS) which is modified to form Glu at position 212 (Glu212) to an Arg codon (Arg212) as discussed on page 29 et seq. This is protein sequence ID NO:1 disclosed on page 31, lines 24 to 28 of the specification. The DNA is shown at Genbank Accession No. M18111. This is also the subject matter of Examples 1 to 3.

Respectfully,

  
Ian C. McLeod  
Registration No. 20,931

MCLEOD & MOYNE, P.C.  
2190 Commons Parkway  
Okemos, MI 48864  
(517) 347-4100  
FAX (517) 347-4103